



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,044	01/31/2002	Jean-Claude Mayet	A34973	3930
27799	7590	11/16/2004	EXAMINER	
COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176			KNABLE, GEOFFREY L	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/066,044	Applicant(s) MAYET, JEAN-CLAUDE	
	Examiner Geoffrey L. Knable	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8-9-2004</u> . | 6) <input type="checkbox"/> Other: _____ |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 9 refers to the end of the arm moving in an "arcuate path positioned laterally of the form" – it however is not clear exactly what this is requiring. In particular, it would seem that the arcuate path would surround the form and it therefore is not clear what is meant by defining that this path is positioned laterally.

At claim 1, lines 17-18, no antecedent has been established for "said laterally positioned end of said oscillating arm," it being noted that the previous reference to lateral positioning was in reference to the arcuate path.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 962304 to Bridgestone.

EP '304 is applied for substantially the same reasons as set forth in the last office action. As to the new claim requirements, the end of the oscillating arm in EP '304 that supports the guiding member for the cord clearly moves in an arcuate path from one end to the other about the core – e.g. fig. 1 – it is not seen how this can be distinguished from the claimed requirement for a laterally positioned path, it being noted for example that the ends of the path are clearly located laterally (i.e. in the axial direction) with respect to the core. Further, although the guiding means for the thread/cord that is located at the end of the arm in the figs. 5-6 and 22-24 embodiments require contact

with the toroidal core, in the figs. 1-4 embodiment, there is no contact as claimed. As to the requirement for a spout extending from a laterally positioned end of the arm inwards towards the toroidal form, in light of figs. 1-4 and esp. fig. 4a, it is apparent that the end of the arm can be termed a spout that is curved or extends inward towards the toroidal core (i.e. if it did not bend, it would clearly position the cord opening 21 further from the core). As such, it is still considered that this reference satisfies the claim requirements.

4. Applicant's arguments filed 8-9-2004 have been fully considered but they are not persuasive.

Applicant has argued that in the fig. 1 embodiment of EP '304, it does not have a spout extending inwardly towards the form. For reasons noted above however it is considered that the fig. 1 embodiment, and especially with the arm configured as illustrated in fig. 4a, the end of the arm can be considered to include a spout that extends inwardly towards the form. The argument with respect to the fig. 5 embodiment are however convincing, it being agreed that this embodiment requires that the guiding member for the core at the end of the arm contact the core and further is a hinged rather than solid arm.

NOTE: In the paragraph marked [0027] on page 12 of the specification, reference is made to the prior art which would seem equivalent to the fig. 1 embodiment of EP '304. In particular, it is described that in this prior art, there is no spout and thus the orifice 6 is "arranged directly at the end of the part parallel to the geometrical axis of rotation" (i.e. the axis of rotation of the arm). As such, if the claims additionally provided this reference or context for location from which the spout extends (i.e. as extending

directly from an end of the arm portion (e.g. 311) that extends parallel to the axis of rotation of the arm), this would seem to better define over what is taught by EP '304.


5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
November 13, 2004